

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

925V0097

SENATE JUDICIARY ENGROSSED NO. **SB 3** - 01/28/2014

Introduced by: Senators Soholt, Peters, and Tieszen and Representatives Stevens, Bolin, Conzet, Gibson, Rozum, and Soli at the request of the Interim Domestic Abuse Study Committee

1 FOR AN ACT ENTITLED, An Act to provide for continuity in the judicial review of certain
2 lawsuits, complaints, and petitions between parties to a petition for certain protection orders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-3 be amended to read as follows:

5 25-10-3. There exists an action known as a petition for a protection order in cases of
6 domestic abuse. Procedures for the action are as follows:

7 (1) A petition under this section may be made by any ~~family or household member~~
8 protected person against any ~~other family or household member~~; abusing party;

9 (2) A petition shall allege the existence of domestic abuse and shall be accompanied by
10 an affidavit made under oath stating the specific facts and circumstances of the
11 domestic abuse; and

12 (3) A petition for relief may be made whether or not there is a pending lawsuit,
13 complaint, petition, or other action between the parties. However, if there is any other
14 lawsuit, complaint, petition, or other action pending between the parties, any new



1 petition made pursuant to this section shall be made to the judge previously assigned
2 to the pending lawsuit, petition, or other action, unless good cause is shown for the
3 assignment of a different judge.

4 The clerk of the circuit court shall make available standard petition forms with instructions
5 for completion to be used by a petitioner. ~~The Department of Social Services shall prepare the~~
6 ~~standard petition form.~~